

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH V. AWE,

Petitioner,

v.

45TH JUDICIAL CIRCUIT COURT
OF PIKE COUNTY,

Respondent,

No. 4:14CV929 NCC

MEMORANDUM AND ORDER

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court lacks jurisdiction to grant the writ.

A district court's jurisdiction over writs filed pursuant to 28 U.S.C. § 2241 is geographically limited to the judicial district in which petitioner's custodian is located. 28 U.S.C. § 2241(a); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004). Petitioner is currently confined in the Red Onion State Prison in Pound, Virginia. Petitioner's custodian, therefore, is located within the Western District of Virginia. 28 U.S.C. § 127(b). Consequently, this Court lacks jurisdiction to grant the writ. Rule 12(h)(3) of the Federal Rules of Civil Procedure requires that the Court dismiss any action over which it lacks jurisdiction.


Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

An Order of Dismissal will be filed separately.

Dated this 4th day of June, 2014.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE